

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 18, 2004

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and D. Nolan,
Deputy Clerk.

B169537 In re Michael Herrera on Habeas Corpus

Argument waived, cause submitted.

B163292 Andrea Marcus
v.
Louis De Witt et al.

Merits:

Argued by Russell A. Franklin for appellant and by Cynthia Goodman for
respondents. Cause submitted.

Spencer, P.J. leaves the bench.

B161387 Film Office
v.
HS Holding Corporation, et al.

Merits:

Argued by Raymond J. Feinberg for appellant and by Cara Blake for
respondents. Cause submitted.

Spencer, P.J. returns to the bench.

DIVISION ONE (Continued)

Vogel, J. leaves the bench.

B159982 Sam Donabedian
 v.
 Mercury Insurance Company

Merits:

Argued by Drew Pomerance for appellant, Bryant Henley for amicus curiae California Dept. of Insurance in support of appellant and by Harvey Rosenfield for amicus curiae Taxpayers Rights in support of appellant. Douglas L. Hallett argues for respondent and Vanessa Wells argues for amicus curiae State Farm Insurance in support of respondent. Cause submitted.

Vogel, J. returns to the bench.

Mallano, J. leaves the bench.

B156856 Denise B. Moehlman
 v.
 Los Angeles County

Merits:

Argued by Denise B. Moehlman, appellant in propria persona and by Donna D. Melby for respondent. Cause submitted.

Court adjourned.

DIVISION ONE (Continued)

B170003 Kajima/Ray Wilson (Not for Publication)
v.
Los Angeles Metropolitan Transportation Authority

The judgment is reversed, and the cause is remanded to the trial court with directions to place Kajima's claims against the MTA back on track for trial. Kajima is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

DIVISION TWO

B125249 Konig (Not for Publication)
v.
Fair Employment and Housing Commission

The judgment is affirmed as to Konig's appeal and reversed as to the Commission's appeal. Each party is to bear its own costs.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

B166188 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Gina F.

The dispositional order which is the subject of the first appeal is affirmed. The second appeal is dismissed.

Ashmann-Gerst, J.

I concur: Nott, Acting P.J.
I concur: Doi Todd, J. (opinion)

DIVISION THREE

B149573 Michael O'Hearn
v.
Hillcrest Gym and Fitness Center, Inc.
Audubon Insurance Group

Filed order modifying opinion. (No change in the judgment)

B158247 Scott Zacky
B160563 v.
Warden, Gart & Galen, et al.,
Nicole Brackle

Filed order to correct nunc pro tunc the order of February 13, 2004,
denying petition for rehearing, to include the following: I dissent. I would
grant the petition for rehearing. Klein, P.J.

DIVISION FOUR

B163471 People (Not for Publication)
v.
Donan

The judgment is modified and affirmed as modified. The trial court is directed to amend the abstract of judgment to reflect that defendant is convicted of second degree attempted robbery. The abstract of judgment shall also be modified to reflect 1740 days of actual custody credits and 130 days of conduct credits, without prejudice to appellant's right to have the Department of Corrections determine appropriate behavior and work time credits earned during phase II. Thus, the abstract of judgment shall reflect 1870 days of total credits.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

February 18, 2004 (Continued)

DIVISION SIX

B166410 People v. Spear (Not for Publication)

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B164774 People (Not for Publication)
v.
Gebreselassie

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B162506 Bailey (Not for Publication)
v.
County of Santa Barbara

The judgment is affirmed. Costs to respondents.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

February 18, 2004 (Continued)

DIVISION SIX (Continued)

B163525 Kapner (Not for Publication)
v.
Meadowlark Ranch Association

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B168117 Krupnick (Certified for Publication)
v.
Duke Energy Morro Bay, L.L.C.

The judgment is affirmed. Costs on appeal are awarded to respondent.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B169339 People (Not for Publication)
v.
Pin

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION EIGHT

B160892 Griffin, et al. (Not for Publication)
 v.
 Zonni, Ginocchio & Taylor

The appeals from the orders of June 10, 2002, and November 27, 2002, are dismissed. Respondent is to recover costs on appeal.

Flier, J.

We concur: Cooper, P.J.
 Rubin, J.

B164960 People (Not for Publication)
 v.
 Jozwiak

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
 Rubin, J.

B168004 Judith Kendall
B171470 v.
 USA Cycling, Inc., Huntsman World Senior Games

Filed order consolidating above captioned appeals.